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Atty. Dkt. No. 065691-0184

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jan Drouaud *et al.*
Title: MICROSPORE-SPECIFIC PROMOTER
AND METHOD FOR PRODUCING
HYBRID PLANTS
Appl. No.: 09/509,188
Filing Date: 06/05/2000
Examiner: Baum, Stuart F.
Art Unit: 1638

AMENDMENT TRANSMITTAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ The fee required for additional claims is calculated below:

| | Claims As Amended | | Previously Paid For | | Extra Claims Present | | Rate | | Additional Claims Fee |
|--|-------------------------|---|------------------------|---|----------------------------|---|----------|---|--------------------------|
| Total Claims: | 12 | - | 20 | = | 0 | x | \$18.00 | = | \$0.00 |
| Independent Claims: | 3 | - | 3 | = | 0 | x | \$86.00 | = | \$0.00 |
| First presentation of any Multiple Dependent Claims: | | | | | | + | \$290.00 | = | \$0.00 |
| CLAIMS FEE TOTAL | | | | | | | | = | \$0.00 |

☒ No fee is due.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date Aug. 5, 2005

By Stephen B. Maebius

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AMENDMENT AND REPLY UNDER 37 CFR 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the final Office Action mailed on May 19, 2004. Since the paper is filed within the shortened statutory period, which ends on August 19th, Applicants consider the paper timely filed. Nevertheless, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Amendments to the Claims are reflected in the listing of claims which begins on page 2.

Remarks/Arguments begin on page 4.

Please amend the application as follows:

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

1. (Previously presented) A purified nucleotide sequence consisting essentially of: nucleotides 1-2056 of SEQ ID NO. 3 wherein the nucleotide sequence is capable of expressing a second nucleotide sequence to which it is operably linked.
2. (Canceled)
3. (Previously presented) A cellular expression vector, comprising a sequence according to claim 1, wherein said sequence is upstream of a DNA sequence encoding a product that is capable of destroying a microspore.
4. (Previously presented) The cellular expression vector of claim 3, wherein the product is a protease.
5. (Previously presented) A plant cell transformed with the vector of claim 3.
6. (Previously presented) A plant comprising the cell of claim 5.
7. (Previously presented) A plant having gametophytic male sterility with inducible fertility, comprising a gene encoding a product, which is operably linked to a male-gamete-specific promoter consisting essentially of nucleotides 1-2056 of SEQ ID NO. 3, and wherein the product is capable of destroying a microspore.
8. (Previously presented) A method for producing a plant with gametophytic male sterility with inducible fertility, comprising inserting into one or more plant cells a construct that contains a gene that is operably linked to a gametophyte-specific promoter, wherein the expression product of said gene is capable of destroying a microspore; and producing a plant therefrom which does not produce a male gamete, wherein said gametophyte-specific promoter consists essentially of nucleotides 1-2056 of SEQ ID NO. 3, and wherein said promoter is capable of expressing said gene.
9. (Canceled)

10. (Canceled)
11. (Canceled)
12. (Previously presented) The plant of claim 7, wherein said plant belongs to the *Brassicaceae* family.
13. (Canceled)
14. (Previously presented) A seed derived from the plant obtained by the method of claim 8, wherein said seed comprises said construct.
15. (Previously presented) The plant of claim 12, wherein said plant is rape.
16. (Previously presented) The plant obtained by the method of claim 8, wherein said plant belongs to the *Brassicaceae* family.
17. (Previously presented) The plant of claim 16, wherein said plant is rape.
18. (Canceled)
19. (Canceled)